

A BILL FOR AN ORDINANCE AMENDING)	Ordinance Number 10
SECTION 8.03.200 OF THE LEBANON)	for 2006
MUNICIPAL CODE CONCERNING)	Ordinance Bill No. 2701
CODE ENFORCEMENT IN THE CITY)	

THE PEOPLE OF THE CITY OF LEBANON ORDAIN AS FOLLOWS:

Section 8.03.200 of the Lebanon Municipal Code is hereby amended to read as follows:

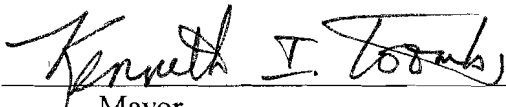
8.03.200 Enforcement by citation filed in Municipal or Circuit Court.

1.
 - A. If the enforcement officer determines that enforcement of a violation defined in this code by means of a citation filed in Circuit or Municipal Court is warranted, the enforcement officer may issue a citation under this chapter.
 - B. Any peace officer or enforcement officer may issue and serve a citation for a violation of the LMC.
 - C. Pursuant to ORS 153.030(8), any peace officer may serve a person with a citation on which an enforcement officer made a certification pursuant to ORS 153.045.
 - D. Pursuant to ORS 153.030(8), the person making the certification required by ORS 153.045 is not required to be the same person who serves the citation on the person believed to be in violation of this code.
 - E. Pursuant to ORS 153.042 and 153.030(8), an enforcement officer or peace officer may issue a violation citation pursuant to this chapter even if the conduct or condition alleged to constitute a violation does not take place in the presence of the officer, if the officer has reasonable grounds to believe that the conduct or condition alleged constitutes a violation.
 - F. Violation proceedings for the purpose of enforcing this code and this chapter may be commenced only by enforcement officers or peace officers. No private party may initiate a violation proceeding pursuant to ORS 153.058 or other law.
2. Service of citation. Service of a citation to appear in the Lebanon Municipal Court under this Chapter may be made in one or more of the following ways:
 - A. By personal delivery of the citation and summons upon the defendant; or
 - B. By service by mail to the defendant by mailing a true copy of the citation and summons to the defendant by first class mail and by any of the following: certified or registered mail, return receipt requested, or express mail. For purposes of this section, "first class mail" does not include certified or registered, or any other form of mail which may delay or hinder actual delivery of mail to the addressee.

Service under this section shall be accomplished by mailing to the last known address of the defendant or to the address on record with the Linn County Assessor's office of the defendant if the defendant is the owner or person in charge of real property which is the subject of enforcement action by the city under the city's nuisance codes. If service is made by mail for the enforcement of nuisance provisions of the code, the city shall also post a true copy of the citation and summons upon the subject property in a conspicuous place. Service shall be complete upon certification to the Municipal Court that such mailing and posting has been accomplished; or

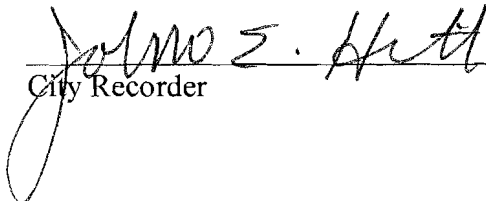
- C. By any other method allowed by the Municipal Court, upon motion made by the City, which most reasonably is calculated to apprise the defendant of the existence and pendency of the action.

Passed by the Lebanon City Council on the 8th day of March, 2006 by a vote of 4 for and 0 against.



Mayor

ATTEST:



City Recorder